

Exhibit A

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

^{v.}
CR 10 0231

FILED
2009 MAR 30
RICHARD P. HIERING
CLERK, U.S. DISTRICT COURT
JWS

CHUNG CHENG YEH, a.k.a. ALEX YEH,

DEFENDANT(S).

INDICTMENT

Title 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)
COUNT 1

A true bill.

[Signature]

Foreman

Filed in open court this 30th day of

March 2010

[Signature]

BETTY P. LEE

Clerk

W. *[Signature]*

Bail, \$

EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE

CR10-0231-JSW

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

Title 15 U.S.C. Section 1 -- Conspiracy in Restraint of Trade

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CHUNG CHENG YEH, a.k.a. ALEX YEH

DISTRICT COURT NUMBER

CR

10 0231

JSW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Lidia Maher, Trial Attorney, ATF

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Individual: CHUNG CHENG YEH, a.k.a. ALEX YEH

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$1,000,000.00
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

FILED
2010 MAR 30 P 2:57
RICHARD W. WINNING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for the United States

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA
v.
CHUNG CHENG YEH, a.k.a. ALEX YEH,
Defendant.

CR 10 0231
No.

INDICTMENT

JSW

VIOLATION:
Title 15, United States Code,
Section 1 (Conspiracy in Restraint of Trade)

San Francisco Venue

The Grand Jury charges that:

I.

DESCRIPTION OF THE OFFENSE

1. The following individual is hereby indicted and made defendant on the charge stated below: CHUNG CHENG YEH, a.k.a. ALEX YEH.

2. Beginning at least as early as January 1997, until at least as late as March 2006, the exact dates being unknown to the Grand Jury, coconspirators of the defendant joined, entered into, and engaged in a combination and conspiracy to suppress and eliminate competition by fixing prices, reducing output, and allocating market shares of color display tubes ("CDTs") to be sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. Defendant CHUNG CHENG YEH joined and participated in the conspiracy from at least as early as May 1999 and continuing until at least March 2005.

4. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and coconspirators, the substantial terms of which were to agree to fix prices, reduce output, and allocate market shares of CDTs to be sold in the United States and elsewhere for use in computer monitors and other products with similar technological requirements.

II.

MEANS AND METHODS OF THE CONSPIRACY

5. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and coconspirators did those things that they combined and conspired to do, including, among other things:

- (a) attending meetings and engaging in conversations and communications in Taiwan, Korea, Malaysia, China, and elsewhere to discuss the prices, output, and market shares of CDTs;
- (b) agreeing during those meetings, conversations, and communications to charge prices of CDTs at certain target levels or ranges;
- (c) agreeing during those meetings, conversations, and communications to reduce output of CDTs by shutting down CDT production lines for certain periods of time;
- (d) agreeing during those meetings, conversations, and communications to allocate target market shares for the CDT market overall and for certain CDT customers;
- (e) exchanging CDT sales, production, market share, and pricing information for the purpose of implementing, monitoring, and enforcing adherence to the agreed-upon prices, output reduction, and market share allocation;
- (f) implementing an auditing system that permitted coconspirators to visit each

1 other's production facilities to verify that CDT production lines had been
2 shut down as agreed;

3 (g) authorizing and approving the participation of subordinate employees in the
4 conspiracy;

5 (h) issuing price quotations and reducing output in accordance with the
6 agreements reached; and

7 (i) taking steps to conceal the conspiracy and conspiratorial contacts through
8 various means.

9 III.

10 DEFENDANT AND COCONSPIRATORS

11 6. Defendant CHUNG CHENG YEH is a resident of Taiwan, Republic of China.
12 From at least as early as May 1999 and continuing until at least March 2005, CHUNG CHENG
13 YEH was employed by Company A and, beginning in March 2002, was Director of Sales for
14 Company A. During the period covered by this Indictment, Company A was a Taiwanese
15 company engaged in the business of producing and selling, among other things, CDTs to
16 customers in the United States and elsewhere.

17 7. Various corporations and individuals not made defendants in this Indictment
18 participated as coconspirators in the offense charged in this Indictment and performed acts and
19 made statements in furtherance of it.

20 8. Whenever in this Indictment reference is made to any act, deed, or transaction of
21 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
22 by or through its officers, directors, employees, agents, or other representatives while they were
23 actively engaged in the management, direction, control, or transaction of its business or affairs.

24 IV.

25 TRADE AND COMMERCE

26 9. CDTs are a type of cathode ray tube. Cathode ray tubes consist of evacuated glass
27 envelopes that contain an electron gun and a phosphorescent screen. When electrons strike the
28 screen, light is emitted, creating an image on the screen. CDTs are the specialized cathode ray

1 tubes manufactured for use in computer monitors and other products with similar technological
2 requirements.

3 10. During the period covered by this Indictment, Company A and coconspirators sold
4 and distributed substantial quantities of CDTs in a continuous and uninterrupted flow of interstate
5 and foreign trade and commerce to customers located in states or countries other than the states or
6 countries in which Company A and coconspirators produced CDTs. In addition, payments for
7 CDTs traveled in interstate and foreign trade and commerce.

8 11. During the period covered by this Indictment, the business activities of the
9 defendant and coconspirators related to the sale and distribution of CDTs that are the subject of
10 this Indictment were within the flow of, and substantially affected, interstate and foreign trade and
11 commerce.

12 V.

13 JURISDICTION AND VENUE

14 12. The combination and conspiracy charged in this Indictment was carried out, in
15 part, in the Northern District of California, within the five years preceding the filing of this
16 Indictment.

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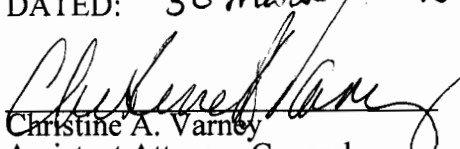
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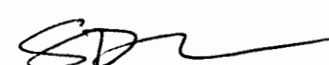
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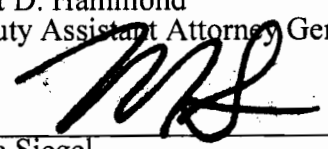
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1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

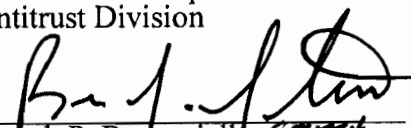
2 DATED: 30 March 2010

3 
4 Christine A. Varney
5 Assistant Attorney General

6 
7 Scott D. Hammond
8 Deputy Assistant Attorney General


9 
10 Marc Siegel
11 Director of Criminal Enforcement

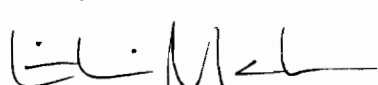
12 United States Department of Justice
13 Antitrust Division

14 
15 Joseph P. Russoniello
16 United States Attorney
17 Northern District of California

A TRUE BILL


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